

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

| | | |
|-----------------------------|---|------------------|
| STATE OF NEW MEXICO on the |) | |
| Relation of State Engineer, |) | |
| |) | |
| Plaintiff, |) | 69cv07941-BB-ACE |
| v. |) | RIO CHAMA STREAM |
| |) | SYSTEM |
| |) | |
| RAMON ARAGON, et al. |) | Section 7 |
| |) | Subfiles |
| Defendants. |) | CHRU-004-0039 |
| | | CHRU-003-0001 |

DEFENDANT HOPE MINER'S STATEMENT OF ISSUES

In accordance with the April 20, 2005 instruction by Special Master Vickie L. Gabin, Defendant Hope Miner hereby submits a brief statement of issues for Subfile CHRU-004-0039.

On December 28, 1998, Defendant Hope Miner purchased certain real estate in Rio Arriba County from Norm Vogt, Inc. described as follows:

Tract "C", containing 5.050 acres, more or less, as shown on plat entitled "SURVEY & DIVISION FOR NORM VOGT INC. IN THE VICINITY OF THE COMMUNITY OF RUTHERON . . .", filed in the Office of the County Clerk, Rio Arriba County, New Mexico, on June 25, 1996, in Plat Book 0-1187, page 4291, as Document No. 128662.

Defendant Hope Miner also paid money to Norm Vogt, Inc. additional to the agreed amount for the property to purchase water rights to supplement those that came with the property, which Norm Vogt informed her was an insufficient amount.

The issue in this case is:

- Whether the water rights appurtenant to the property were conveyed to Hope Miner in the Warranty Deed for the above-described real estate.

This issue is as Defendant Hope Miner understands it, although she is without knowledge of allegations that Defendant Norm Vogt, Inc. may have made at the status conference April 12,

2005 or any other time. Defendant Hope Miner is unaware of any written statement by Defendant Norm Vogt, Inc. submitted to the court regarding the nature of the dispute.

Respectfully submitted,

LEWIS and ROCA JONTZ DAWE, LLP

By _____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to the following on this ____ day of April, 2005:

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